

REMARKS

Claims 1-16 and 26-33 are now pending in the application. Withdrawn claims 17-25 and 34-38 were cancelled without prejudice. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-2 and 26-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bastian et al (U.S. Pat. No. 5,769,854). This rejection is respectfully traversed.

Regarding independent 1, Bastian et al fails to disclose a rotatable mill which is pivotable about the lateral axis of the opening along a cutting plane perpendicular to the lateral axis. Further, Bastian et al fails to disclose that the mill is slidably adjustable along the lateral axis of the opening. In contrast, Bastian et al appears to disclose a cutting punch 60 having splines 88 that can be inserted into first grooves 86 or second grooves 104 or third grooves 110, after the punch is removed from the set of grooves in which the punch is currently held. The punch does not pivot about a lateral axis of the opening along a cutting plane perpendicular to the lateral axis, nor does it shift along the lateral axis. Therefore, claim 1 is not anticipated by Bastian et al. Claim 2 depends from claim 1 and is, at least for this reason, not anticipated by Bastian et al.

Regarding independent claim 26, Bastian et al fails to disclose a rotatable mill which is pivotable within the opening about the lateral axis of the opening and along a plurality of parallel planes that are perpendicular to the lateral axis and wherein the mill

can be shifted relatively to the opening along the lateral axis, for the reasons discussed above in connection with claim 1. Therefore, claim 26 is not anticipated by Bastian et al. Claims 27 and 28 depend directly or indirectly from claim 26 and are, at least for this reason, not anticipated by Bastian et al.

Regarding independent claim 29, Bastian et al fails to disclose a mill which is pivotable within the opening about the lateral axis of the opening and on a plane perpendicular to the lateral axis, for the reasons discussed above in connection with claim 1. Therefore, claim 20 is not anticipated by Bastian et al. Claims 30 and 31 depend directly or indirectly from claim 29 and are, at least for this reason, not anticipated by Bastian et al.

REJECTION UNDER 35 U.S.C. § 103

Claims 3, 7, 9-10, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bastian et al in view of Coleman (U.S. Pat. No. 5,591,207). This rejection is respectfully traversed.

As a general matter, Applicants disagree that Bastian et al is combinable with Coleman. Coleman appears to disclose detent grooves along a shaft to provide a constraint against motion in the longitudinal direction. Bastian et al does not allow motion along any such shaft that could benefit from the detent grooves. Without impermissible hindsight provided by Applicants' teachings, Bastian et al cannot be combined with Coleman to provide a mill having all the elements recited in the rejected claims. Even assuming, without admitting, that Bastian et al is combinable with

Coleman, the combination still fails to provide all the elements of claims 3, 7, 9-10, and 16.

Claim 3 depends from amended claim 1, which is not anticipated by Bastian et al, as discussed above in connection with claim 1. Coleman is cited for a rod providing grooves for preventing lateral sliding. Therefore, Coleman fails to provide all the elements of independent claim 1 and dependent claim 3 that are not disclosed in Bastian et al. Neither Bastian et al nor Coleman disclose, inter alia, a rod coupling the mill to the guide pivotably about the lateral axis. Therefore, claim 3 is patentable over Bastian et al in view of Coleman.

Claims 7 and 9, as currently amended, depend directly or indirectly from claim 5, which is allowable. Applicants respectfully submit that claims 7 and 9 should be in condition for allowance.

Regarding claim 10, neither Bastian et al nor Coleman disclose, inter alia, a mill coupled to the rod and pivotable about the lateral axis. Therefore, claim 10 is patentable over Bastian et al in view of Coleman.

Claim 16, as currently amended, depends from claim 11, which is allowable. Applicants respectfully submit that claim 16 should be in condition for allowance.

Claims 4, 8, and 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bastian et al in view of Dietz et al (U.S. Pat. No. 5,653,714). This rejection is respectfully traversed.

As a general matter, Applicants disagree that Bastian et al is combinable with Dietz et al. Dietz et al appears to disclose a slide assembly for guiding a cutting guide.

The slide assembly appears to include a frame slidable along a pair of spaced rods. Bastian et al does not allow motion along any such rods that could benefit from the slide assembly. Without impermissible hindsight provided by Applicants' teachings, Bastian et al cannot be combined with Dietz et al to provide a mill having all the elements recited of the rejected claims. Even assuming, without admitting, that Bastian et al is combinable with Dietz et al, the combination still fails to provide all the elements of claims 4, 8, and 32-33.

Claim 4 depends from amended claim 1, which is not anticipated by Bastian et al, as discussed above in connection with claim 1. Similarly, Claims 32 and 33 depend ultimately from independent claim 29, which, as discussed above, is not anticipated by Bastian et al. Dietz et al is cited for lateral sliding along a rod. Therefore, Dietz et al fails to provide all the elements of independent claim 1 and dependent claim 4, and independent claim 29 and dependent claims 32 and 33 that are not disclosed in Bastian et al. Neither Bastian et al nor Dietz et al disclose, inter alia, a rod coupling the mill to the guide pivotably about the lateral axis. Therefore, claims 4, 31 and 32 are patentable over Bastian et al in view of Dietz et al.

Claim 8, as currently amended, depends from claim 5, which is allowable. Applicants respectfully submit that claim 8 should be in condition for allowance.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 5-6 and 11-15 would be allowable if rewritten in independent form. Accordingly, Applicants have non-narrowly amended claims 5 and 11 to include the limitations of the base claim and any intervening claims. Claims 6-8 depend


from claim 5 and claim 9 depends from claim 8. Claims 12-16 ultimately depend from claim 11. Therefore, claims 5-9 and 11-16 should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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